



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, March 12, 2019

9:00 AM

Room 519, House Office Building

The House Standing Committee on Judiciary was called to order by Chairman Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent/Excused: None.

Representative LaFave moved to adopt the meeting minutes from March 5, 2019. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4296 before the committee:

HB 4296

(Rep. Filler) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1993 (MCL 600.1993), as added by 2015 PA 233.

Tom Clement, representing the State Court Administrative Office, testified in support of the bill. Questions and discussion followed.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan, submitted a card in support of the bill, but did not wish to speak.

Lori Frank, representing the Michigan Creditors Bar Association, submitted a card with a neutral position on the bill, but did not wish to speak.

The Chair laid HB 4031 and HB 4032 before the committee:

HB 4031 (Rep. Brann) A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13 of chapter II and sections 1 and 3c of chapter XI (MCL 762.13, 771.1, and 771.3c), section 13 of chapter II as amended by 2015 PA 33, section 1 of chapter XI as amended by 2006 PA 631, and section 3c of chapter XI as amended by 2002 PA 483.

HB 4032 (Rep. Brann) A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 25a, 36a, and 85 (MCL 791.225a, 791.236a, and 791.285), sections 25a and 36a as amended by 2002 PA 502 and section 85 as added by 2006 PA 172.

Representative Brann and Kyle Kaminski, representing the Michigan Department of Corrections, testified together in support of the bills. Questions and discussion followed.

The Chair laid HB 4129, HB 4130, HB 4131 and HB 4132 before the committee:

HB 4129 (Rep. LaFave) A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 35 (MCL 791.235), as amended by 2018 PA 339.

HB 4130 (Rep. Carter) A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 33 and 34 (MCL 791.233 and 791.234), section 33 as amended by 2017 PA 14 and section 34 as amended by 2017 PA 265.

HB 4131 (Rep. Griffin) A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 197d.

HB 4132 (Rep. Bolden) A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 33b and 65 (MCL 791.233b and 791.265), section 33b as amended by 2010 PA 94 and section 65 as amended by 2012 PA 599.

Laurel Luke, representing the Coalition of Justice Voters, submitted a card in support of the bills, but did not wish to speak.

Rachel Richards, representing the Michigan League for Public Policy, submitted a card in support of HB 4129, HB 4130, and HB 4132, but did not wish to speak.

Jean Doss, representing the Michigan Elder Justice Initiative, Long Term Care Ombudsman, submitted a card in opposition to HB 4129, HB 4130, and HB 4131, but did not wish to speak.

Representative LaFave moved to adopt substitute (H-2) to HB 4129. The motion prevailed 11-1-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Rep. LaGrand.

Pass: Rep. Berman.

Representative Rendon offered the following amendment to HB 4129 (H-2):

1. Amend page 7, line 19, after "**(11)(A)(i)**" by inserting a comma and "**OTHER THAN THE MEDICAL FACILITY,**".

2. Amend page 8, line 22, after "**FACILITY.**" by inserting "**THE MEDICAL FACILITY IS NOT RESPONSIBLE FOR THE ENFORCEMENT OF CONDITIONS OF PAROLE OR THE REPORTING OF VIOLATIONS OF CONDITIONS OF PAROLE FOR ANY PAROLEE PLACED IN THE MEDICAL FACILITY. THE MEDICAL FACILITY SHALL COMPLY WITH STATE AND FEDERAL LAWS AND REGULATIONS THAT PROTECT RESIDENT RIGHTS AND STATE AND FEDERAL LAWS AND REGULATIONS FOR SKILLED NURSING FACILITIES, REGARDLESS OF THE CONDITIONS OF PAROLE IMPOSED ON A RESIDENT PAROLEE.**".

Representative Rendon moved to adopt the amendment to HB 4129. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Rep. Berman.

Rep. Howell moved to report House Bill No. 4129 as amended, as substitute (H-3). The vote was as follows:

Yeas: Sens. Filler, LaFave, Farrington, Howell, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Sen. Johnson.

Pass: None.

Representative LaFave moved to adopt substitute (H-2) to HB 4130. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Farrington moved to report out House Bill No. 4130 with the recommendation that the bill pass as substitute (H-2). The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: Rep. Johnson.

Pass: None.

Representative Farrington moved to adopt substitute (H-1) to HB 4131. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Johnson moved to report out House Bill No. 4131 with the recommendation that the bill pass as substitute (H-1). The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Berman, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Rep. LaGrand.

Pass: None.

Representative Bolden moved to report out House Bill No. 4132 with the recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid SB 0003 before the committee:

SB 0003

(Sen. Lucido) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5744 (MCL 600.5744), as amended by 2004 PA 105.

Representative Rendon moved to report out Senate Bill No. 3 with the recommendation that the bill pass. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Rep. LaFave.

The Chair laid HB 4185 before the committee:

HB 4185

(Rep. Farrington) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 377b (MCL 750.377b).

Representative Farrington testified in support of the bill.

The following people submitted a card in support of the bill, but did not wish to speak: Jen Rigterink, representing the Michigan Municipal League.

The Michigan State Police.

Judy Allen, representing the Michigan Townships Association.

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

Blaine Koops, representing the Michigan Sheriffs' Association.

There being no further business before the committee, the Chair adjourned the meeting at 9:38 AM.

Representative Graham Filler, Chair

Melissa Weipert
Committee Clerk
mweipert@house.mi.gov